

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

PAUL N. ROYAL, as Administrator
Ad Litem for the Estate of Ricky Javentia
Ball, Deceased, and on behalf of All
Wrongful Death Beneficiaries

PLAINTIFF

v.

CIVIL ACTION NO. 1:16-cv-00176-GHD-RP

CANYON BOYKIN, JOHNNY BRANCH,
YOLANDA YOUNG, GARRETT MITTAN, TONY
CARLETON, and JOHN DOES I-X, All
Individually and in Their Official Capacities
as Officers of the Columbus Police Department; and
CITY OF COLUMBUS, MISSISSIPPI

DEFENDANTS

ORDER GRANTING DEFENDANTS' MOTIONS TO WITHDRAW AND
DENYING AS MOOT CERTAIN OTHER MOTIONS

Presently before the Court are the following: a motion to withdraw [83 & 85] motion for summary judgment [32] filed by Defendants Johnny Branch, Yolanda Young, and Garrett Mittan; and a motion to withdraw [86] motion to dismiss [75] filed by Defendant Canyon Boykin. These Defendants request that the previously filed dispositive motions be withdrawn due to the filing of Plaintiff's amended complaint [82] on February 2, 2017. The Court finds the motions to withdraw are well taken.

Furthermore, due to the filing of the amended complaint [82], the Court finds that certain other motions are moot: Plaintiff's motion for discovery [56] on qualified immunity pertaining to the summary judgment motion, and Plaintiff's second motion for extension [64] of time to file a response to the summary judgment motion.

ACCORDINGLY, the Court ORDERS as follows:

- (1) the motion to withdraw [83 & 85] motion for summary judgment [32] filed by Defendants Johnny Branch, Yolanda Young, and Garrett Mittan is GRANTED;

(2) the motion to withdraw [86] motion to dismiss [75] filed by Defendant Canyon Boykin is GRANTED;

(3) the motion for summary judgment [32] and motion to dismiss [75] are WITHDRAWN;

(4) Plaintiff's motion for limited discovery [56] on qualified immunity pertaining to the summary judgment motion is DENIED AS MOOT; and

(5) Plaintiff's second motion for extension [64] of time to file a response to the summary judgment motion is DENIED AS MOOT.

SO ORDERED, this, the 6th day of February, 2017.

A handwritten signature in black ink, appearing to read "L. H. Danielson", written over a horizontal line.

SENIOR U.S. DISTRICT JUDGE